

**REMARKS**

Claims 1-35 are pending in the above-referenced patent application. In this amendment, claims 1, 10, 16, 18, 20-22 and 32 have been amended, claims 34-35 have been added and no claims have been cancelled. It is noted that claims 1, 10, 16, 18, 20-22 and 32 were not amended to overcome the rejections and objections, or in light of the cited references. Rather, claims 1, 10, 16, 18, 20-22 and 32 were amended to more clearly delineate intended subject matter. Furthermore, it is believed that these amendments do not narrow claim scope. Rather, in some cases, the claims are even broadened. Therefore, no prosecution history estoppel should result from these claim amendments. Additionally, it is noted that adequate support may be found in the specification for new claims 34-35. For example, support may be found at least from page 12 line 5 to page 13 line 6 and Figure 2.

In the Office Action, dated September 8<sup>th</sup>, 2002, the Examiner made various objections to the specification; rejected claims 1, 2, 5, 10, 14, 16-24, 30 and 32 under 35 U.S.C 102(b) as being anticipated by Tabuchi (US Patent No. 5,611,006); rejected claims 1, 5, 7-10, 12-15, 18, 22, 24, 26, 27 and 32 under 35 U.S.C 102(b) as being anticipated by Spaeth (US Patent No. 6,021,238); rejected claims 3 and 4 under 35 U.S.C 103(a) as being unpatentable over Spaeth in view of Aksura et al. (US Patent No. 6,496,623); rejected claims 6 and 25 under 35 U.S.C 103(a) as being unpatentable over Tabuchi in view of Liedenbaum et al. (US Patent No. 5,701,396); rejected claims 11 and 33 under 35 U.S.C 103(a) as being unpatentable over Tabuchi; rejected claims 28 and 29 under 35 U.S.C 103(a) as being unpatentable over Spaeth in view of Kobayashi et al. (US Patent No. 4,627,688); and rejected claim 31 under 35 U.S.C 103(a) as being unpatentable over Tabuchi in view of Ishikura et al. (US Patent No. 5,920,420). The rejections are respectfully traversed.

Assignee has addressed the various objections to the specification in accordance with the Examiner's suggestions, by adding information requested by the Examiner and amending a drawing reference. Therefore, it is respectfully requested that the Examiner withdraw these objections.

Assignee respectfully submits that Tabuchi does not disclose each and every element of the rejected claims, as amended, and, therefore, a prima facie case under 35 U.S.C. 102(b) has not been established. As just an example, referring to claim 1, as amended, Tabuchi does not show or describe at least a photonic package comprising a at least a "photodetector being adapted to produce an

electrical signal responsive to the received first split output to facilitate monitoring of the semiconductor light source.,” as recited in claim 1.

The cited section of Tabuchi describes “The laser beam reflected at the cube type half mirror 18 is focused by the spherical lens 16a and becomes incident upon the edge incidence type photodiode chip 21. The laser beam incident upon the edge incidence type photodiode chip 21 is used for stabilizing the output of the laser diode chip 20.” [col 8:53-col 8:59]. As apparent from the cited section of Tabuchi, there is no description of at least a “photodetector being adapted to produce an electrical signal responsive to the received first split output to facilitate monitoring of the semiconductor light source.,” as recited in claim 1.

Similarly, Spaeth does not show or describe at least one element of claim 1, as amended. As just an example, Spaeth does not show or describe at least a “photodetector being adapted to produce an electrical signal responsive to the received first split output to facilitate monitoring of the semiconductor light source.” The cited monitor diode (21) of Spaeth and the supporting portions of the specification do not show or describe the limitations noted above. For example, the monitor diode of Spaeth does not include the capability to produce an electrical signal responsive to a received first split output to facilitate monitoring of the semiconductor light source.

It is noted that many other bases for traversing the rejection could be provided, but Assignee believes that this ground is sufficient. Assignee respectfully submits that because neither Tabuchi nor Spaeth disclose each and every element of the rejected claims, a prima facie case under 35 U.S.C. 102(b) has not been established, and claim 1, as amended, is in condition for allowance. Additionally, claims 2, 5, 7-10, 12-24, 26-27, 30 and 32 are in a condition for allowance for the same and/or similar reasons as presented with reference to claim 1, as amended. It is respectfully requested that the Examiner withdraw his rejections of these claims also.

Assignee respectfully submits that claims 3 and 4 are not rendered obvious Spaeth in view of Aksura et al. Even if these references could be combined, although Assignee has serious doubts concerning the ability to do so, any resultant combination would still not render the claims obvious. As just an example, as mentioned previously, Spaeth does not show or describe at least a “photodetector being adapted to produce an electrical signal responsive to the received first split output to facilitate

monitoring of the semiconductor light source." and Aksura does not cure this deficiency. As just an example, Aksura does not show or describe at least a photodetector as claimed in claims 3 and 4.

Additionally, claims 6 and 25 are not rendered obvious by Tabuchi in view of Liedenbaum et al. Even if these references could be combined, although Assignee has serious doubts concerning the ability to do so, any resultant combination would still not render the claims obvious. As just an example, as mentioned previously, Tabuchi does not show or describe at least a "photodetector being adapted to produce an electrical signal responsive to the received first split output to facilitate monitoring of the semiconductor light source." and Liedenbaum et al. does not cure this deficiency. Liedenbaum et al. is related to multimode lasers, and does not show or describe at least a photodetector as claimed in claims 6 and 25.

Additionally, claims 11 and 33 are not rendered obvious by Tabuchi. As just an example, as mentioned previously, Tabuchi does not show or describe at least a "photodetector being adapted to produce an electrical signal responsive to the received first split output to facilitate monitoring of the semiconductor light source."

Additionally, claims 28 and 29 are not rendered obvious by Spaeth in view of Kobayashi et al. Even if these references could be combined, although Assignee has serious doubts concerning the ability to do so, any resultant combination would still not render the claims obvious. As just an example, as mentioned previously, Spaeth does not show or describe at least a "photodetector being adapted to produce an electrical signal responsive to the received first split output to facilitate monitoring of the semiconductor light source." and Kobayashi et al. does not cure this deficiency. Kobayashi et al. is related to multimode lasers, and does not show or describe at least a photodetector as claimed in claims 28 and 29.

Additionally, claim 31 is not rendered obvious by Tabuchi in view of Ishikura et al. Even if these references could be combined, although Assignee has serious doubts concerning the ability to do so, any resultant combination would still not render the claims obvious. As just an example, as mentioned previously, Tabuchi does not show or describe at least a "photodetector being adapted to produce an electrical signal responsive to the received first split output to facilitate monitoring of the semiconductor

Attorney Docket: 012.P53001

light source." and Ishikura et al. does not cure this deficiency. Ishikura et al. is related to a Faraday rotator, and does not show or describe at least a photodetector as claimed in claims 31.

Assignee respectfully submits that, for at least the reasons presented above, a prima facie case of obviousness has not been established, and, therefore, the rejected claims are in a condition for allowance. Additionally, it is respectfully submitted that new claims 34-35 are in a condition for allowance for at least the same reasons as those presented with respect to the rejected claims. It is noted that many other bases for traversing the rejection could be provided, but Assignee believes that this ground is sufficient. It is respectfully requested that the Examiner withdraw his rejections of these claims.

**CONCLUSION**

In view of the foregoing, it is respectfully submitted that all of the claims pending in this patent application, as amended, are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Please charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account number 50-3703.

Respectfully submitted,

12/29/05

Dated: \_\_\_\_\_

  
\_\_\_\_\_  
Michael J. Willardson  
Patent Attorney  
Reg. No. 50,856

Berkeley Law and Technology Group, LLC  
1700 NW 167th Place, Suite 240  
Beaverton, OR 97006